

BRIDGE OVER THE HUDSON RIVER.

MARCH 29, 1892.—Referred to the House Calendar and ordered to be printed.

MR. GEARY, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT:

[To accompany H. R. 7585.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 7585) giving the approval of the United States Government to the erection of a bridge over the Hudson River, by the New York and New Jersey Bridge Companies upon certain terms and conditions, as provided in the bill, would respectfully report that they have given the matter careful and painstaking consideration, and would respectfully recommend that the same do pass.

The State of New York, by chapter 233 of the laws of New York, of 1890, chartered what is known as the New York and New Jersey Bridge Company, and gave it authority to erect a bridge across the Hudson River for the purposes of traffic. A charter was granted by chapter 520 of the laws of New Jersey as far back as 1868, authorizing the New York and New Jersey Bridge Company to bridge the Hudson River opposite the city of New York. It was provided, however, in that charter, that it should not take effect until the State of New York should grant a similar charter which was done by the act of 1890 aforesaid, which act went into force on April 30, 1890.

Some question having been made as to the legality of the act of 1868, and its subsequent repeal, by the provisions of the general laws of the State of New Jersey, it was provided by chapter 85, laws of 1891 of said State, that any defect that might be claimed to exist in the charter granted in 1868 should be cured.

And the same legislature at the same session passed two other acts, chapters 86 and 87, covering all questions of the reorganization of the company authorized by the original act.

The action provided to be taken by chapter 86, above referred to, has been taken. The certificate of acceptance has been duly made and filed with the secretary of state of New Jersey, the same having been approved by the governor and attorney-general of that State.

The New York and New Jersey companies have been organized according to the terms of their respective charters. The requisite amount of stock, to wit, \$300,000, required by the New York charter, has been subscribed and paid for as therein required.

The amount of \$100,000 of stock in the New Jersey Company has been subscribed, and the payments as required by the New Jersey charter have been made thereon.

The company authorized by the New York charter was organized

October 1, 1890, and the company authorized by the New Jersey charter was organized September 2, 1891.

The two companies have united, or consolidated their interests, the union and consolidation having been completed December 31, 1891.

A large amount of land has been purchased for the construction of the bridge and its approaches on both sides of the river, and ground was formally broken on each side in December, 1891, and construction commenced.

The commissioners appointed to organize the company under the charter of the State of New York, with Andrew H. Green at their head, met, and having organized, as required by the charter, formally located the bridge.

They called to their assistance Thomas C. Clarke as chief engineer, and Charles B. Brush as assistant engineer, who, after a thorough and exhaustive examination of the river banks and sites on which a bridge might be located, and bored the bottoms of the stream, to ascertain satisfactory foundations for the piers on which it was to rest, and all being present and acting unanimously, adopted and made the location of the bridge, approaches, connections, and stations at the point provided for in the bill now recommended by the committee.

During the progress of this work the New York and New Jersey bridge companies have paid out and expended a very large amount of money. They have likewise obligated themselves and become irrevocably responsible for another very large sum of money in order to carry it out.

These large expenditures and obligations have been incurred in good faith, and with a reasonable expectation that the Congress of the United States would allow the States of New York and New Jersey to carry out this great public work if they desire to do so.

A bill substantially the same as this, No. 455, was introduced into the Senate by Senator Hiscock, referred to the Secretary of War, and has been approved by him, and its passage recommended with certain modifications, all of which have been adopted and incorporated into the present bill.

The bill, however, provides, in order to more fully guard against any obstruction to the river commerce, that the whole matter shall be again submitted to the Secretary of War for his approval, upon hearings which he is to hereafter hold.

All the plans and specifications, and all modification of the same, are to undergo the careful scrutiny of the Chief of Engineers of the War Department, and are to be fully approved before construction is begun.

No bridge bill has been submitted to the committee which so carefully guards the interests of commerce and the rights of the public.

It is brought directly under the control of the Interstate Commerce Commission, and all disputes between the railroad companies, connecting themselves with it and the bridge company, either as to the equality or the equity of the tolls charged, is to be finally determined by the Interstate Commerce Commission.

The location of the bridge as fixed by the bill, but which must be hereafter again approved by the Secretary of War before it becomes final, is at or about Seventieth street, in New York, extending in a direct line with said street across the river to New Jersey, north of the southerly line of the township of Union, in the county of Hudson, and is believed to be, all things considered, the best location for the public convenience.

On the New Jersey side connections are to be made with all railroads that come to the west side of the river.

On the New York side the approaches extend southerly and to Broadway, then reversing run northerly along the Hudson River to a level, and outside and west of the Hudson River Railroad tracks to about One hundred and fifty-third street; then running above the tracks of that road turning to the east, by tunnel through the hill, so as to reach and make connections with all the railroads from the north and east, thus making unbroken wheel traffic into and through the city of New York to all sections of the country both possible and practicable.

It will practically annex the island of New York to the continent, and save hours of delay in travel, and lessen expense and annoyances.

It will cheapen and facilitate the transportation of the immense volume of products that now have no other way of transit to or around the city of New York than the flat boat, and for passengers no other or better way than the ferry boats.

Nearly, or quite, one hundred and thirty million tons of freight are brought by rail to the west side of the river annually; and nearly, or quite, eighty million of persons pass yearly over the Hudson River by ferry.

These are subject to frequent delays and dangers by reason of fogs, ice, and river crafts, and make the beginning or end of a journey to or from the city of New York expensive, tedious, and disagreeable.

The bridge, with its connections, when completed, will obviate all these.

Some objection has been made to Congress agreeing that these States may bridge the river on account of an act passed on the 11th day of July, 1890, to build the bridge across the Hudson River, known as the North River Bridge Company.

The act will be found 26 Statutes at Large of the United States, page 268.

The bridge authorized by this act has been located so as to cross into the city of New York about Tenth street, which is more than 1 mile from the location of the present bridge.

An examination of the records shows that there are now at the city of Cincinnati, across the Ohio River, Newport and Covington, five large bridges, and the present Congress is asked to authorize another. As each of these bridges was constructed the same contention was as here made, that commerce did not require it, but it was overruled and the bridge authorized, and they have been found both profitable, useful, and necessary.

There are three large railroad bridges across the Mississippi River at or near St. Louis.

In fact an examination of the subject leads us to believe that in no case has Congress ever refused to authorize the bridging of a stream by any company when they came with the authority of the State to do so. Many other cities with from two to five bridges might be cited whose commerce is inconsiderable compared with the great city of New York.

It is barely possible that Congressional authority is at all necessary to construct a bridge when authorized by the States if it does not in some way interfere with river traffic.

But large investments and enterprises of the magnitude of this ought to have and receive encouragement at the hands of Congress by approval in advance of a structure of such vital importance and which is agreed to be again submitted to the Secretary of War and the Chief of Engineers for their approval before work is begun.

The history of the Forty-ninth Congress shows that 58 bridges were authorized by that Congress; that 90 bridges were authorized by the Fiftieth Congress; that 54 were authorized by the Fifty-first Congress, at its first session; that these bridges were scattered all over the country and allowed whenever and wherever capitalists desired to invest their money in public enterprises of this kind.

The statistics presented to the committee show clearly that 80,000,000 passengers and 130,000,000 tons of freight, annually, cross the Hudson River between the city of New York and State of New Jersey and will furnish ample traffic for three or four bridges, much less two.

It does not appear that any other objection is urged or raised with which Congress has any right or authority to deal or which in any way affects or ought to affect the action of Congress in the present matter.

We refer to the report upon a similar bill made by Mr. Mason, from the Committee on Commerce, at the first session of the Fifty-first Congress, and append it with the accompanying documents as part hereof. We also append the letters of the Secretary of War, dated December 30, 1891, to the chairman of the Committee on Commerce of the Senate, and the inclosure of Thomas Lincoln Casey, brigadier-general and Chief of Engineers, as part of this report, approving of a similar bill.

House Report No. 3167, Fifty-first Congress, first session.

Mr. MASON, from the Committee on Commerce, submitted the following

REPORT:

[To accompany H. R. 10905.]

The Committee on Commerce, to whom was referred the bill (H. R. 10905,) granting the consent of the United States Government to the erection of a bridge over the North River by the New York and New Jersey Bridge Company, for passenger and other traffic over the navigable waters between New York State and the State of New Jersey, would respectfully report that they have given the matter careful and painstaking consideration, have heard all the arguments adduced by the parties in interest, and would respectfully recommend that the same do pass, with the following amendment as section seven:

SEC. 7. That the bridge to be located under this act shall not be located within one mile of any other bridge already located under authority of Congress of the United States.

This is a bill authorizing the New York and New Jersey Bridge Companies to build a bridge across the Hudson River, between New York City and the State of New Jersey.

The said New York and New Jersey Bridge Company have a special charter from the State of New Jersey by an act known as chapter 520, of the laws of New Jersey, of 1868, which charter was to become a law and go into effect from the time that the State of New York should grant a similar charter, with similar power, and the State of New York did grant to the New York and New Jersey Bridge Company similar powers by an act known as chapter 233, of the laws of New York, of 1890, in force April 30, 1890, and the said company has, so far as the States of New York and New Jersey can give it, authority from those States to erect said bridge, and that commissioners from the State of New York have met, organized, and are now engaged in the work of locating said bridge, and performing the duties prescribed in the laws of New York, and only need the act of Congress, proposed by this bill, to proceed to building said bridge.

This bill has been referred to the Secretary of War, and is favorably recommended by him, and there can be no objection to the construction of this bridge, so far as navigation is concerned, as it is intended and designed to be a suspension or cantalever bridge, entirely out of the way of navigation and commerce, and the height is left to be fixed by the Secretary of War.

The committee recommends an amendment by adding section 7, which provides that a bridge should be located at least one mile distant from any other bridge already located. This amendment is made for the reason that the present Congress has already passed a bill for the North River Bridge Company, authorizing the construction of a similar bridge

across the same river, and objection has been made to the granting of this right to build a bridge on the ground that the North River Bridge Company was the first company granted that right, and that no other charter should be granted; your committee, however, fail to see any reason for refusing to one company what has already been granted by this Congress to another, so long as the same does not interfere in the least with navigation and commerce, and the committee sets out herewith, and makes a part of its report the said charter.

The necessity for this bridge is apparent on account of the railroads which have their terminus at Jersey City, Hoboken, and Weehawken, taking an interest in the project chartered by the States of New York and New Jersey, some of which have subscribed for the stock, and will become directors in the company.

The plans are such that assure the building of the proposed bridge; because the grades to and from the bridge, at the depot to be located within the central part of the city of New York, will not exceed 50 feet to the mile.

It has been shown to the Committee on Commerce that over 60,000,000 passengers per year will be better accommodated by having the depot for all the roads now centering upon the west side of the Hudson River within the city of New York, and which would obviate the danger now experienced from ice and fog.

The commercial interests will also be greatly benefited. In fact, the whole country will be benefited, and become interested in the enterprise.

Leading men from both the States of New York and New Jersey have been appointed commissioners, and are now at work in apparent good faith, and cash subscriptions are now being made for the construction of the bridge.

The structure authorized by this act will in no wise conflict with or impair the interests of the North River Bridge Company, which was chartered by said bill which passed the Congress of the United States, but is in all respects a legitimate enterprise which has received the sanction of the two States and should, we believe, notwithstanding the objections of parties interested in the said North River Bridge, receive the consent of Congress as a matter of comity to the two States, which by legislative enactment have authorized the incorporation of these companies.

Chapter 233, of the laws of New York, incorporating the New York and New Jersey Bridge Company, is in these words, to wit:

[Laws of New York. By authority. Every law, unless a different time shall be prescribed therein, shall commence and take effect throughout the State, on and not before the twentieth day after the day of its final passage, as certified by the Secretary of State. Sec. 12, title 4, chap. 7, part 1. Revised Statutes.]

CHAP. 233.

AN ACT* to incorporate the New York and New Jersey Bridge Company, for the purpose of constructing and maintaining a permanent bridge for passenger and other traffic over the waters between New York City and the State of New Jersey, together with all necessary connections, appurtenances and approaches thereto and stations.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. All persons who shall become stockholders pursuant to this act shall be and they are hereby incorporated and created a body corporate by the name of the New York and New Jersey Bridge Company, with power to associate with any other persons, company, association or corporation in the United States, for the purpose of

*Became a law without the approval of the governor, in accordance with the provisions of article four, section nine of the Constitution, April 30, 1890. Passed, three-fifths being present.

constructing and maintaining a permanent bridge, for passenger and other traffic, over the waters between New York City and the State of New Jersey, together with all necessary appurtenances and approaches thereto and stations, and in case of destruction, to reconstruct the same.

PAR. 2. The capital stock of said corporation shall be ten million dollars, to be divided into shares of one hundred dollars each.

PAR. 3. The affairs of said corporation shall be managed by a board of thirteen directors, all of whom shall be stockholders of the corporation, holding at least ten shares each; and after the first election said directors shall be chosen annually on the first Tuesday in June in each year, at such place as the stockholders may direct, and upon such notice to the stockholders as a majority of the directors may appoint, by a majority of the stockholders voting at such election, in person or by proxy, and in such manner as may be prescribed by the by-laws of the corporation, and such directors shall continue to be directors until others are elected in their places; and in the election of directors, and in every other case wherein a vote shall be submitted to the stockholders and a poll demanded, such stockholders shall be entitled to one vote, personally or by proxy, on every share held by him* for at least thirty days previous to any such election or vote being taken. All vacancies which shall occur in the board of directors, by death, resignation, mental incapacity, or otherwise, shall be filled by appointment by a majority of the remaining members for the balance of the term thus vacated. A majority of said board shall at all times form and constitute a quorum for the transaction of business.

PAR. 4. The directors shall have power to make all reasonable by-laws and rules consistent with general laws for the government of the corporation and its officers and agents, and to fix such rates of toll for the use of the said bridge, appurtenances, and approaches thereto, and stations; and from time to time change the same, as they may deem expedient, subject to the limitations hereinafter contained, and may require from stockholders payment of all sums of money by them subscribed, at such time and in such proportions as may be deemed proper, under the penalty of a forfeiture of their respective shares, and all payments thereon, first giving thirty days' previous notice of such call in one or more newspapers printed in the city of New York.

PAR. 5. All the stockholders under this act shall be severally and individually liable to an amount equal to the amount unpaid on the stock held by them respectively, for all debts and liabilities of such corporation, until the whole amount of the capital stock so held by said stockholders, respectively, shall have been paid, and a certificate or certificates thereof filed in the office of the clerk of the county of New York, on the part of each or all of said stockholders, stating that the respective amounts of each have been paid.

PAR. 6. The said corporation shall possess the general powers and privileges and be subject to the restrictions and liabilities prescribed in title three of chapter eighteen of part first of the Revised Statutes, so far as the same are applicable thereto. But all railroads desiring to connect with said bridge shall have equal rights of transit for their passengers and freight upon the same equal and equitable terms.

PAR. 7. The said corporation is hereby empowered to purchase, acquire, receive, hold, and use such real estate or interest therein as may be necessary and convenient in accomplishing the object for which this charter is granted, and shall have the power to locate and construct the necessary connections to and for railroads to connect therewith; but nothing in this act contained shall authorize said bridge* company to lay down railroad tracks; but said corporation may, by its surveyors, engineers, agents, or officers, enter upon such real estate, sites, and locations and take possession of the same, except any public park or surface of any street or avenue in said city. All such real estate, sites, and locations as shall be entered upon as aforesaid shall, except donations, be purchased of the owner or owners at a price to be mutually agreed upon. In case any such corporation can not agree with the owner or owners of any such real estate, or of any interest therein, within the boundaries of the State of New York, it shall have the right to acquire title to the same in the manner and by special proceedings prescribed in this act.

PAR. 8. For the purpose of acquiring such title the said corporation may present a petition, praying for the appointment of commissioners of appraisal to the supreme court at any general or special term thereof held in the judicial district in which the real estate described in the petition is situated. Such petition shall be signed and verified according to the rules and practice of such court. It must contain a description of the real estate which the corporation seeks to acquire; and it must, in effect, state that the corporation is duly incorporated, and that it is the intention of the incorporation, in good faith, to construct and finish a bridge over the waters between New York City and the State of New Jersey, with appurtenances and approaches thereto and stations; that at least three hundred thousand dollars of the capital stock of said corporation has been in good faith subscribed for; that the land described in

* So in the original.

the petition is required for the purpose of constructing or operating the proposed bridge, appurtenances and approaches thereto, and stations; and that the corporation has not been able to acquire title thereto, and the reason of such inability. The petition must also state the names and places of residence of the parties, so far as the same can by reasonable diligence be ascertained, who own or have, or who claim to own or have, estate or interest in the said real estates; and if any such persons are infants, their ages, as near as may be, must be stated; and if any such persons are idiots or persons of unsound mind, or are unknown, that fact must be stated, together with such other allegations and statements of liens or incumbrances on said real estate as the corporation may see fit to make. A copy of such petition, with a notice of the time and place the same will be presented to the supreme court, must be served on all persons whose interests are to be affected by the proceedings at least ten days prior to the presentation of the same to the said court.

PAR. 9. On presenting such petition to the supreme court as aforesaid, with proof of service of a copy thereof, and notice as aforesaid, all persons whose estates or interests are to be affected by the proceedings, may show cause against granting the prayer of the petition, and may disprove any of the facts alleged in it. The court shall hear the proofs and all allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, it shall make an order for the appointment of five disinterested and competent persons, who shall be free-holders and reside in the county where the premises to be appraised are situated, commissioners to ascertain and appraise the compensation to be made to the owners or persons interested in the real estate proposed to be taken in such county for the purposes of the corporation, and to fix the time and place for the first meeting of such commissioners.

PAR. 10. The commissioners shall take and subscribe the oath prescribed by the twelfth article of the constitution. Any one of them may issue subpoenas, administer oaths to witnesses, and any three of them may adjourn the proceedings before them from time to time in their discretion. Whenever they meet, except by the appointment of the court or pursuant to adjournment, they shall cause reasonable notice of such meetings to be given to the parties who are to be affected by their proceedings or their attorney or agent. They shall view the premises described in the petition and hear the proofs and allegations of the parties and reduce the testimony, if any is taken by them, to writing; and after the testimony is closed in each case, and without any unnecessary delay and before proceeding to the examination of any other claim, a majority of them all being present and acting, shall ascertain and determine the compensation which ought justly to be made by the corporation to the party or parties owning or interested in the real estate appraised by them; and in determining the amount of such compensation they shall not make an allowance or deduction on account of any real or supposed benefit which the party in interest may derive from the construction of the proposed bridge, appurtenances, or approaches thereto, or stations. They, or a majority of them, shall also determine and certify what sum ought to be paid to a general or special guardian or committee of an infant, idiot, or person of unsound mind, or to an attorney appointed by the court to attend to the interest of any unknown owner or party in interest not personally served with notice of the proceedings, and who has not appeared, for costs, expenses, and counsel fees. They shall make a report to the supreme court, signed by them or a majority of them, of the proceedings before them, with the minutes of the testimony taken by them, if any. Said commissioners shall be entitled to three dollars for their expenses and services for each day they are engaged in the performance of their duties, to be paid by the corporation.

PAR. 11. On such report being made by said commissioners the corporation shall give notice to the parties or their attorneys to be affected by the proceedings, according to the rules and practice of said court, at a general or special term thereof for the confirmation of such report, and the court shall thereupon confirm such report, and shall make an order containing a recital of the substance of the proceedings in the matter of the appraisal and a description of the real estate appraised for which compensation is to be made, and shall also direct to whom the money is to be paid, or in what bank and in what manner it shall be deposited by the corporation.

PAR. 12. A certified copy of the order so to be made, as aforesaid, shall be recorded at full length in the clerk's office of the county in which the land described in it is situated; and thereupon and on the payment and deposit by the corporation of the sums to be paid as compensation for the land, and for costs, expenses, and counsel fees, as aforesaid, and as directed by said order, with interest from the date thereof, the corporation shall be entitled to enter upon, take possession of, and use the said land for the purpose of its incorporation, during the continuance of its corporate existence, by virtue of this or any other act; and all persons who have been made parties to the proceedings shall be divested and barred of all right, estate, and interest in such real estate, during the corporate existence of the corporation, as aforesaid. If the corporation shall neglect to have such order recorded, and to make the payment or

deposit as herein provided, for the period of ten days after the date of such order, any party to such proceedings, and interested therein, may, at his election, cause a certified copy of the said order to be recorded as aforesaid, and thereupon the moneys therein directed to be paid, with interest thereon from the date of said order, shall be a debt against the corporation, and the same shall be a lien on such real estate, and may be enforced and collected by action at law or in equity in the supreme court with costs. All real estate acquired by this corporation under and pursuant to the provisions of this act, for the purposes of its incorporation, shall be deemed to be acquired for public use. Within twenty days after the confirmation of the report of the commissioners, as provided for in the eleventh section of this act, either party may appeal, by notice in writing to the other, to the supreme court, from the appraisal and report of the commissioners. Such appeal shall be heard by the supreme court at any general or special term thereof, on such notice thereof being given according to the rules and practice of said court. On the hearing of such appeal the court may direct a new appraisal before the same or new commissioners, in its discretion. The second report shall be final and conclusive on all the parties interested. If the amount of the compensation to be made by the corporation is increased by the second report, the difference shall be a lien on the land appraised, and shall be paid by the corporation to the parties entitled to the same, or shall be deposited in the bank, as the court shall direct; and if the amount is diminished, the difference shall be refunded to the corporation by the party to whom the same may have been paid; and judgment thereof may be rendered by the court on the filing of the second report against the party liable to pay the same. Such appeal shall not affect the possession by such corporation of the land appraised; and when the same is made by others than the corporation, it shall not be heard, except on a stipulation of the party appealing not to disturb such possession.

PAR. 13. If there are adverse and conflicting claimants to the money, or any part of it, to be paid as a compensation for the real estate taken, the court may direct the money to be paid into said court by the corporation, and may determine who is entitled to the same, and direct to whom the same shall be paid; and may, in its discretion order a reference to ascertain the facts on which such determination and order are to be made. The court shall appoint some competent attorney to appear for and protect the rights of any party in interest who is unknown, or whose residence is unknown, and who has not appeared in the proceedings by an attorney or agent. The court shall also have power at any time to amend any defect or informality in any of the special proceedings authorized by this act as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest as it deems it proper; and also to appoint other commissioners in the place of any who shall die, or refuse or neglect to serve, or be incapable of serving.

PAR. 14. If at any time, after an attempt to acquire title by appraisal of damages, or otherwise, it shall be found that the title thereby attempted to be acquired is defective, the corporation may proceed anew to acquire or perfect such title in the same manner as if no appraisal had been made; and at any stage of such new proceedings the court may authorize the corporation, if in possession to continue in possession, and if not in possession to take possession and use such real estate during the pendency and until the final conclusion of such new proceedings; and may stay all actions or proceedings against the corporation on account thereof on such corporation paying into court a sufficient sum, or giving security, as the court may direct, to pay the compensation therefor when finally ascertained; and in every such case the party interested in such real estate may conduct the proceedings to a conclusion if the corporation delays or omits to prosecute the same.

PAR. 15. In case any title or interest in real estate required by said corporation for the purpose of its incorporation shall be vested in any trustee not authorized to sell, release, and convey the same, or in any infant, idiot, or person of unsound mind, the supreme court shall have power, by a summary proceeding on petition, to authorize and empower such trustee, or the general guardian or committee or such infant, idiot, or person of unsound mind, to sell and convey the same to such corporation, for the purposes of its incorporation, on such terms as may be just; and in case any such infant, idiot, or person of unsound mind has no general guardian or committee, the said court may appoint a special guardian or committee for the purpose of making such sale, release, or conveyance, and may require such security from such general or special guardian or committee as said court may deem proper; but before any conveyance or release authorized by this section shall be executed the terms on which the same is to be executed shall be reported to the court on oath, and if the court is satisfied that such terms are just to the party interested in such real estate the court shall confirm the report and direct the proper conveyance or release to be executed, which shall have the same effect as if executed by an owner of said land having legal power to sell and convey the same.

PAR. 16. The said corporation is hereby empowered to merge and consolidate its capital stock, franchises, and property with the capital stock, franchises, and property of

any other corporation or corporations, and for such purpose shall possess the general powers and privileges and be subject to the restrictions and liabilities prescribed in the act entitled "An act authorizing the consolidation of certain railroad companies," passed May twentieth, eighteen hundred and sixty-nine, and any act or acts amending or extending the same, so far as the same are applicable thereto, except as provided in section seven of this act; and said corporation shall further have the power to lease the said bridge, appurtenances, and approaches thereto, and stations, to any chartered corporation for such time and on such terms as may be agreed upon.

PAR. 17. The said corporation or the new corporation, in case of consolidation with any other corporation or corporations, shall have the power, from time to time, to borrow such sums of money as may be necessary for constructing and completing and maintaining the said bridge, appurtenances, and approaches thereto, and stations, and for acquiring the necessary real estate for the site thereof, the necessary stations, buildings, and appurtenances thereof and the approaches thereto, and to mortgage its corporate property and franchises and issue its bonds to secure or provide for the payment of any debt which shall be contracted by such corporation for the purposes aforesaid; and it shall be lawful for any corporation chartered by the legislature of this State or by any other State to loan its credit to the corporation hereby created, or to subscribe to become the owner of the stock thereof, in like manner and with like rights as individuals. Any corporation or corporations having entered into such lease and agreed for the loan of its or their credit for that object by direct guaranty, or traffic, or otherwise, the said corporation hereby chartered, or the new corporation in the case of consolidation, may issue bonds, which shall bear the credit or guaranty of said corporation or corporations, to an amount not exceeding thirty millions of dollars, which will have the same charge and effect upon the undertaking and property, and to the same extent, as if secured by way of mortgage, as in this section provided.

PAR. 18. The said corporation, or corporations being lessee, shall have the right to charge such fair compensation for the use of the bridge and the appurtenances and approaches thereto and stations by the corporations, or by any company whose business shall pass over the same, as shall be found requisite to enable them to pay, first, all the expense of keeping the bridge, appurtenances, and approaches thereto and stations in repair, taxes and interest upon the money borrowed for the construction or maintenance thereof, and dividends not exceeding ten per centum upon capital stock, and such additional sum as will furnish a sinking fund in each year not to exceed five per centum of the amount of the bonded debt, for the purposes of gradually extinguishing the same, and the deficiencies of toll shall* supply all the expenses of keeping the bridge, appurtenances, and approaches thereto, and stations in repair, taxes and interest upon the money borrowed for the construction thereof in any one year may be charged and collected in any subsequent year.

PAR. 19. The governor of the State of New York and the mayor of the city of New York shall, within thirty days after this act shall have been passed and become a law, each appoint a person, who, together with Andrew H. Green, Frank K. Hain, and Charles M. Vail, of the city of New York and State of New York, or the successors of any of them, appointed as hereinafter provided, shall be commissioners, who, or a majority of them, all being present and acting, shall as soon after their appointment as they may deem expedient have power to locate said bridge, appurtenances and approaches thereto and stations, which location shall not be changed, except by, and with the consent of a majority of the five commissioners so appointed and named, or their successors, and appoint some suitable place in the city of New York to open the books and receive subscriptions to the capital stock of said corporation, of which two weeks' public notice shall be given in at least one of the newspapers published in the county of New York; and said commissioners by majority vote may adjourn from time to time as they may deem proper, and open the books for further subscriptions, until the sum of \$300,000 shall have been subscribed in the capital stock, and in case of an excess of subscribers they may, by a majority vote, apportion the stock among the subscribers in such manner as they may deem most likely to promote the interest of the corporation hereby created, by or in the speedy erection and construction of said bridge, appurtenances, and approaches thereto and stations. Each commissioner shall be paid for his services at the rate of \$10 per day for each day of actual service as such commissioner, to be paid by the corporation organized hereby or hereunder, and said corporation shall also pay the necessary disbursements incurred by said commissioners in the performance of their duties. In case of death, resignation, or removal for cause or failure to qualify of any of said commissioners or their successors, the governor shall appoint a successor in his place and stead, and the governor shall decide upon the removal of any of said commissioners or their successors on charges preferred by the directors of the corporation, after due hearing.

*So in the original.

PAR. 20. The sum of \$10 upon each share of stock so subscribed for shall be paid to the commissioners attending at the time of making such subscription, which shall be held for the purpose of the corporation, and shall be paid to the directors for such purposes upon the election, as hereinafter provided; except in respect to such subscriptions as the commissioners shall have excluded, in which case the said sums so paid in respect to excluded subscriptions shall be returned by the commissioners to the person or persons who shall have paid the same.

PAR. 21. As soon as the sum of \$300,000 in the capital stock shall have been duly subscribed, and the approbation of the commissioners shall have been obtained, they, or a majority of them, shall give two weeks' notice in two public newspapers published in the county of New York of a meeting of the stockholders to choose directors, and the said commissioners, or a majority of them, shall attend and shall preside at the first election, and such election shall be made at the time and place appointed by the commissioners in their notice by such of the stockholders as shall be present in person or by proxy, and the said commissioners so presiding shall under their hands certify the names of the directors so elected, and shall appoint the time and place of the first meeting of the board of directors; and at such first meeting, and as soon as a majority of the said directors shall be present, the commissioners shall deliver over the subscription money, books, and papers to the directors, whereupon the duties of the said commissioners shall cease, and they shall stand discharged of their duties under this act, except so far as pertains to the location of said bridge, appurtenances, and approaches thereto, and stations, or changing the same, and the approval of plans and dimensions of said bridge, appurtenances and approaches thereto, and stations as herein provided.

PAR. 22. The officers of the corporation hereby created shall consist of a president, vice-president, secretary, treasurer, and chief engineer, who shall be elected by the board of directors at their first meeting, and after every annual election of directors thereafter, of which board the president and vice-president shall be members, and such committees as may be appointed, as well as subordinate officers, and such security required from the officers as the said board of directors may deem necessary and proper.

PAR. 23. The directors of the corporation hereby created may issue full-paid stock for the purpose of purchasing property, both real and personal, necessary for the purposes of the corporation, to the amount of the value thereof, and may also issue full-paid stock for work, labor, and services performed, or materials furnished to said corporation for the uses and purposes thereof, to the amount of the value thereof, and the stock so issued shall not be liable to any further assessments, neither shall the holders thereof be liable for any other payments on such stock, under the provisions of this act, but in all statements and reports of the corporation hereby created, to be published, such stock shall not be stated or reported as being paid for in cash to the corporation, but shall be stated and reported according to the fact.

PAR. 24. The said bridge shall be constructed with a single span over the entire river between towers or piers, located between the shore and the existing pier-head lines in either State; and the bridge shall be constructed at an elevation of at least one hundred and forty-five feet in the clear above the level of the mean high water at the towers or piers of the bridge, and one hundred and fifty-five feet above the same level at the center of the main span, and these heights shall be exclusive of the deflection of the superstructure from loads or temperature effects; and no pier or tower or other obstruction of a permanent character shall be placed or built in the river between said towers or piers under this act. All other dimensions of said bridge, appurtenances and approaches thereto, and stations, shall be fixed and determined by the commissioners appointed under and named by the nineteenth section of this act, or their successors, or a majority thereof.

PAR. 25. From sunset to sunrise suitable signal lights shall be set and maintained upon said bridge to guide and direct approaching vessels.

PAR. 26. The terminus of said bridge in the city of New York shall not be below Tenth street nor above One Hundred and Eighty-first street, in said city.

PAR. 27. Said bridge shall be commenced on or before January first, eighteen hundred and ninety-two, and shall be completed and opened for use on or before January first, eighteen hundred and ninety-seven.

PAR. 28. This act shall take effect immediately.

STATE OF NEW YORK, *Office of the Secretary of State, ss :*

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FRANK RICE,
Secretary of State.

The two acts of the State of New Jersey, which taken together your committee believes to convey sufficient State authority, are in these words, to wit:

[Laws of New Jersey. By authority.]

CHAPTER DXX.

AN ACT to incorporate the New York and New Jersey Bridge Company.

Be it enacted by the senate and general assembly of the State of New Jersey, That Rodman M. Price, Delos E. Culver, Nathaniel Dole, Augustus O. Evans, Noah D. Taylor, Henry C. Smith, Thomas B. Decker, Leon Abbott, J. Otto Seymour, John T. Dater, Cornelius Lydecker, Henry G. Hering, John Goldthorp, and John Hopper, be, and they are hereby, appointed commissioners on the part of this State, who, with commissioners to be appointed by the State of New York, shall be authorized to receive subscriptions to the capital stock hereby created, at such time or times, place or places as they or a majority of them may direct, giving notice thereof in a newspaper printed in the city of New York, and in the newspapers printed in the county of Hudson, in this State, for at least twenty days, of the time or times and place or places when and where the said subscriptions shall be received, and at the time of subscribing for the said stock five dollars (\$5.00) shall be paid upon each share subscribed for to the commissioners or some one of them, which money shall be paid over to the treasurer of said company as soon as one shall be appointed, and that the residue of said subscriptions shall be paid in such installments, and at such times or places, and to such persons as the president and directors of the company shall from time to time direct, and give public notice of; and upon the failure of payment thereof, as so directed, for thirty days thereafter, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said installments, or any of them, and for the use of said company, provided that the books of subscription shall be kept open for three days at least, and if the number of shares subscribed for shall exceed this amount, or number of shares authorized by this act to be subscribed for, that then the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed as aforesaid.

2. *And be it enacted*, That the capital stock of said company shall be two millions of dollars, divided into shares of one hundred dollars each with the privilege to increase the same to five million dollars; and the said shares shall be deemed and considered personal property, and may be transferred in such manner as shall be prescribed by the by-laws of said company, and the said company shall have power to borrow money from time to time and to issue bonds to an amount not exceeding five million dollars, and to secure the payment of the same by mortgage of the property of the company or otherwise.

3. *And be it enacted*, That when ten thousand shares are subscribed for and paid up, the persons holding the same shall be and they hereby are incorporated into a company by the name of "The New York and New Jersey Bridge Company," and by that name shall have perpetual succession and all the privileges and franchises incident to a corporation and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions in such manner and form as they shall think proper, if such enlargement should be found necessary to fulfill the intent of this act: *Provided*, Such increase does not, with the original subscription, exceed the amount of five millions of dollars.

4. *And be it enacted*, That when ten thousand shares of the said capital stock shall be subscribed and paid for as aforesaid, it shall be the duty of the commissioners to give notice in one or more of the newspapers printed in the city of New York, and in the newspapers printed in the county of Hudson, in this State, of the time of a meeting of the stockholders in Jersey City, in the county of Hudson, not less than thirty days from the time of issuing the said notice, at which time and place the said stockholders shall proceed to organize the said company, and shall choose by ballot thirteen directors who shall hold their offices until the second Tuesday of the month of May next succeeding the date of their election, and thereafter the stockholders shall meet on the second Tuesday of May in every year, at such place as shall be fixed by the by-laws of said company, and shall choose by ballot thirteen directors, who shall hold their office for the ensuing year, and each share shall be entitled to one vote, but if it should happen that an election of directors should not be held at the time so appointed for the holding thereof, or at the time appointed for the holding of any subsequent election, the said company shall not for that cause be deemed to be dissolved, and such election shall be held at such other time and place as the board for the time being

shall or may appoint, and the directors for the time being shall continue in office until new ones shall be elected in their stead, and every board of directors, as soon as conveniently may be after their election, shall appoint from their number a president, vice-president, a secretary and treasurer of said company, to serve until the then next annual election of directors, and until others shall be appointed in their stead, and the board of directors, or a majority of them, shall have the power to make, prescribe, and to alter such by-laws, rules, and regulations of said company as to them shall appear needful and proper and not contrary to the laws or constitution of this State, the State of New York, or of the United States, and shall have power to appoint such officers, clerks, and servants as to them shall seem necessary, and to establish and fix such salaries thereto as to them shall seem proper.

5. *And be it enacted*, That the said company shall have the power to erect, construct, and maintain a permanent bridge over the Hudson River, and construct and operate a railroad over the same between some suitable point in the city of New York and a point north of the southerly line of the township of Union, in the county of Hudson, in this State, and to lease, purchase, acquire, and hold as much real estate as may be necessary for the site of said bridge, and of all abutments, approaches, walls, toll-houses, and other structures proper to said bridge, and for the opening of suitable avenues to approach to said bridge, and shall also have power to build, erect, and construct a pier for the support of said bridge at the bulk-head line on each side of said Hudson River, and one or two piers in the river between such bulk-head lines with spaces between said piers of not less than one thousand feet each: *Provided*, That nothing in this act contained shall be construed to authorize, nor shall authorize, the construction of any bridge which shall obstruct the free and common navigation of the Hudson River, save as herein granted, and such bridge shall not be less than one hundred and thirty feet elevation above high tide at the middle of the river; it shall not obstruct any public road, street, or avenue which it shall cross, but such public road, street or avenue shall be opened by a suitable arch or suspended platform as shall give a suitable height for a passage under the same for all purposes of public travel and transportation; the said bridge shall be built with a substantial railing or siding, and shall be kept lighted through all hours of the night.

6. *And be it enacted*, That the board of directors shall have power to fix the rates of toll for persons, animals, carriages, and vehicles of every kind or description passing over the same; toll-gates shall be kept at each end of the bridge; the rate of toll shall be posted up conspicuously at the toll-gates; the said directors shall reduce the rates of toll from time to time, so that the net profits of said bridge shall not exceed the sum of fifteen per centum per annum, after deducting the expenses of repairs and improvements of said bridge, its appurtenances and approaches and all just and proper damages against the said corporation.

7. *And be it enacted*, That any person wilfully doing an injury to the said bridge or any of its appurtenances shall forfeit and pay to the said corporation three times the amount of such injury and shall be deemed guilty of a misdemeanor, and shall be subject to a penalty not exceeding five hundred dollars or to imprisonment not exceeding six months, in the discretion of the court.

8. *And be it enacted*, That the State of New York shall have jurisdiction of all crimes and offenses committed upon said bridge.

9. *And be it enacted*, That said company shall have power to procure the right of way and lands necessary to carry out the objects of this act, either by purchase or apportionment by commissioners in the manner prescribed in and by the original charter, or act of incorporation of the New Jersey Railroad and Transportation Company.

10. *And be it enacted*, That the construction of the said bridge shall be commenced within three years and shall be completed within five years from the time when this act shall take effect, or this act and all rights and privileges granted thereby shall be null and void.

11. *And be it enacted*, That this act shall take effect when the legislature of the State of New York shall pass a law appointing commissioners on their part, and vesting like power and authority in the subscribers to the said capital stock of erecting the bridge as aforesaid, and with as full and ample powers, privileges, franchises, and emoluments, as to the said company are hereby given.

Approved April 17th, 1868.

With the amendment suggested above which prevents the erection of this bridge within one mile of any location which at the time of the passage of this act may have been selected by the North River Bridge Company under its charter, and with the following amendments:

(1) Amend the title by inserting after the word "authorize" in line 1, the word "the."

(2) Amend section 4 by striking out all after the word "approval" in line 3.

(3) Amend section 5 by inserting after the word "company," in line 1, the words "or companies."

(4) Amend section 6 by striking out the words "or the public good," in line 3, and by striking out the word "company" and inserting in lieu thereof the word "companies," in line 4.

And with the other provisions of the bill as stated therein, we believe that the erection of this bridge under the consent of Congress granted by this bill will be for the interest of the public.

We therefore recommend the passage of the bill as amended.

WAR DEPARTMENT,
Washington, December 30, 1891.

SIR: I return herewith S. 455, "to authorize the New York and New Jersey Bridge Company to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey," referred to this Department on the 23d instant, and beg to invite your attention to the inclosed report, dated December 26, 1891, from the Chief of Engineers, and its accompanying copy of an amended bill, which expresses the views of the Department.

Very respectfully,

L. A. GRANT,
Acting Secretary of War.

The CHAIRMAN OF THE COMMITTEE ON COMMERCE,
United States Senate.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., December 26, 1891.

SIR: I have the honor to acknowledge the reference to this office of letter of December 23 from the Senate Committee on Commerce, inclosing for views of the War Department thereon S. 455, Fifty-second Congress, first session, "A bill to authorize the New York and New Jersey Bridge Companies to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey," and, in reply, I beg to recommend that the bill be amended as follows:

Section 1, in line 20, after the first word, add the following: "Provided, That such bridge shall be north of Sixty-sixth street prolonged across North River."

In line 23, after the word "with" insert "all," and after the word "railroads," insert "now built or hereafter to be built."

Section 2, in line 3, after the word "and" strike out "all the" and insert "the location and," and after the word "plans" strike out "and specifications."

In lines 4 and 5, strike out the words "to the Secretary of War," and after the word "approval," in line 5, insert "and until he approves the plans and location of said bridge the construction of the bridge shall not be begun."

At the end of line 8 add the following: "Provided, That plans satisfactory to the Secretary of War shall be submitted to him within one year after the passage of this act, and the construction of said bridge shall be begun within one year after the approval of the plans by the Secretary of War, and the structure shall be completed within ten years from the date of said approval, otherwise the provisions of this act shall be null and void."

Section 4, line 3, after the word "or" insert "other."

A copy of the bill with the proposed amendments indicated thereon is herewith submitted, and, as thus amended, I know of no objection to its passage by Congress so far as the interests of navigation are concerned.

The letter and its inclosures are herewith returned.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brig. Gen., Chief of Engineers.

Hon. L. A. GRANT,
Acting Secretary of War.

04L5882

o

BOX 87

Ex Libris

SEYMOUR DURST

AVERY
CURST